

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

DEC 21 2005 **BL**

Michael N. Milby, Clerk

JIMMEY COOPER,
Plaintiff,

vs.

NATIONAL OILWELL, L.P. AND
AUSTIN PERSONNEL SERVICES,
Defendants.

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CIVIL ACTION NO.H-04-3051

JURY TRIAL DEMANDED

PLAINTIFF'S MOTION FOR VOLUNTARY DISMISSAL

A. Introduction

1. Plaintiff is Jimmie Cooper; Defendants are National Oilwell, L.P. and Austin Personnel Services.

2. Plaintiff filed an action against defendants for sexual harassment, and defendant National Oilwell, L.P. has filed a motion for summary judgment. Neither defendant has filed a counterclaim.

3. Plaintiff now asks the Court to dismiss his action against both defendants, *with prejudice*.

B. Argument

4. The court may grant a motion for voluntary dismissal if the dismissal will not unfairly prejudice the nonmovant. Fed. R. Civ. P. 41(a)(2); *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002).

5. Plaintiff asks this Court to dismiss his action against defendants. Defendants have not filed counterclaims, and dismissal would not unfairly prejudice defendants.

C. Conclusion

6. For the above reasons, plaintiff asks the Court to dismiss his action against defendants with prejudice.

Respectfully submitted,
The Blue Law Firm, PLLC



Ramel J. Blue
Attorney-in-Charge, Plaintiff
Texas State Bar No. 24038772
Southern District Bar No. 36979
2401 Fountain View, Suite 322
Houston, TX 77057
(713) 349-9299 Phone
(713) 349-9244 Facsimile

CERTIFICATE OF SERVICE

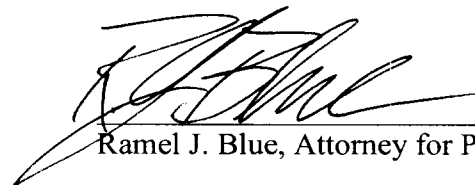
I certify that a true and correct copy of Plaintiff's Motion for Voluntary Dismissal was served by serving Defendants' counsel on December 20, 2005.



Ramel J. Blue, Attorney for Plaintiff

CERTIFICATE OF CONFERENCE

Via email, on December 19, 2005, I attempted to confer with defendant National Oilwell. Essentially, I sought an agreement to dismiss the current action with prejudice. Counsel for National Oilwell has not responded. Via phone, on December 19, 2005, I left a detailed voicemail for defendant Austin Personnel Services. Counsel for Austin Personnel Services has not responded.



Ramel J. Blue, Attorney for Plaintiff